

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SUITS – Land Acquisition –PJP – GADWAL -Mahabubnagar District – Dharoor (Mandal) Khammampad (Village) - O.P.No.3/2003 - Sanction of decretal charges of **Rs.59,80,660/-** Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 51

DATE:20.01.2009

Read:

From the Secy.to Spl.CS to Govt & CCLA, AP, Hyd Lr.No.SRP4/1133/08,
Dt:08.12.08 along with the proposal of the Spl.Collector, LA, Bheema
Project, Mahabubnagar District.

O R D E R:

The Special Chief Secretary to Government and Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has informed that the Special Collector, SSP, Kurnool has submitted the proposals for sanction of final payment of decretal charges in respect of O.P.No.3/2003 pertaining to Khammampad H/o.Uppar (V) Dharoor (M) of Mahabubnagar District. The then Special Dy.Collector, LA, PJP, Gadwal had acquired an extent of Ac.52-14 gts in the limits of Khammampad H/o.Uppar (V) of Dharoor (M) vide Award No.46/1999, dt:15.07.1999 by fixing the market value Rs.36,000/- per acre towards Wet, Rs.34,000/- per acre towards ID and Rs.26,000/- per acre towards dry for the purpose of submergence. Aggrieved with the market value awarded by the LAO, the awardees have filed petitions U/s.18 (1) of L.A.Act with a request to refer the matter to the Civil Court for adjudication. The Sr.Civil Judge, Gadwal in its orders dt:29.09.2005 had delivered judgments by enhancing the market value from Rs.36,000/- to Rs.91500/- for Category No.I, Rs.34,000/- to Rs.91,500/- for Category No.II and Rs.26,000/- to Rs.64,050/- for Categories III in O.P.No.3/2003. Aggrieved with the market value enhanced by the Lower Court, the SDC, LA, PJP, Gadwal has filed appeal in the Hon'ble High Court of A.P, Hyd against the orders of the Lower Court. The Hon'ble H.C has granted Interim Stay Orders and directed to deposit 50% decretal charges. Accordingly, an amount of Rs.40,40,000/- was sanctioned and the same was deposited in the Court of the Sr.Civil Judge, Gadwal on 06.04.2006. Finally, the Hon'ble H.C of A.P, Hyderabad has dismissed the appeal filed by SDC, LA, PJP, Gadwal by confirming the judgments of Lower Court. The Hon'ble Supreme Court of India in its orders dt:21.01.2008 vide C.C.No.225/2008 that "Delay condoned. Heard, the Special Leave Petition is dismissed."

2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.59,80,660/- (Rupees Fifty nine lakhs eighty thousand six hundred and sixty only)** in respect of O.P.No.3/2003 pertaining to Khammampad H/o.Uppar (V) Dharoor (M) of Mahabubnagar District subject to verification whether the reference under section 18 (1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Govt/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

(PTO)

3) The amount sanctioned in para (2) ante, shall be debitable to the following Head of Account under "4701- SMJH – 01 – Major Irrigation – M.H.122– Jurala Project G.H.11- NSP-SH (27) – Canals and Distributaries - 530 Major works -532 – Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

4) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.5338/F2(2)/2008-1, dated 06.01.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To

The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.

The Special Collector, LA, Bheema Project, Mahabubnagar District.

The Chief Engineer, MBNR, Jalasoudha Buildings, Erramanzil, Hyderabad.

The SDC, LA, PJP, Gadwal, Mahabubnagar.

The Director of Works Accounts, Hyderabad.

Copy to: P.S. to Minister (M& MI).

Finance (W&P) Department/File C.No.34223/LA-III(A2)/2008.

SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER